

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TYRONE HURT,

Plaintiff,

No. C 12-4096 PJH

v.

**ORDER DISMISSING COMPLAINT
AND DENYING IFP APPLICATION**

UNITED STATES OF AMERICA,

Defendant.

The complaint in this case was filed on August 2, 2012, along with an application to proceed in forma pauperis. The court reviewed the complaint under 28 U.S.C. § 1915(e), and determined that plaintiff “alleges no clear facts in support of his complaint, states no legitimate basis for the court’s subject matter jurisdiction, and does not identify any recognizable causes of action.” See Dkt. 8 (Aug. 23, 2012). As a result, the court dismissed the complaint, but granted leave to amend. Specific instructions on how to amend were provided in the dismissal order and a deadline of September 21, 2012 was set.

Instead of filing an amended complaint, plaintiff filed a notice of appeal on September 10, 2012. The appeal was dismissed, and the court afforded plaintiff one final opportunity to amend his complaint in accordance with this court’s order of August 23, 2012.

On November 26, 2012, plaintiff filed what purports to be an “amendment to the complaint.” The three-page, handwritten complaint is largely incomprehensible. To the extent that the court can discern anything in the amended complaint, it appears that plaintiff is “requesting a ruling” based on the pleadings as submitted, without alleging any additional

1 facts or identifying any causes of action, as was required by this court's order of August 23,
2 2012. The court further notes that plaintiff has a history of filing frivolous actions. See Hurt
3 v. Social Security Admin., 544 F.3d 308, 310 (D.C. Cir. 2008) ("Hurt has brought numerous
4 meritless appeals - suits targeting institutions, people and inanimate objects - while asking
5 for sums of money dwarfing the size of the Federal Government's annual budget. Indeed,
6 since the start of 2006, Hurt has filed appeals in over seventy cases before this Court, none
7 of which had any chance of success"). The court finds that this case is equally meritless,
8 as plaintiff seeks \$150,000,000.00 for unspecified violations of his rights under the Eighth
9 Amendment. Thus, plaintiff's complaint is DISMISSED with prejudice. The court also
10 agrees with the U.S. Court of Appeals for the D.C. Circuit that plaintiff's filings show "an
11 especially abusive pattern, aimed at taking advantage of the IFP privilege." Id.
12 Accordingly, plaintiff's motion for leave to proceed in forma pauperis is DENIED.

13 **IT IS SO ORDERED.**

14 Dated: February 28, 2013



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16 PHYLLIS J. HAMILTON
17 United States District Judge
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